

Freedom of Information Act Appeal

April 17, 2010

FOIA/PA Officer
US NRC
Washington, DC 20555-0001

RE: Appeal of NRC response in no. 2010-0181

Sir,

Per the law and NRC regulations, I appeal the April 14, 2010 response to my FOIA request. My appeal is limited to only items 1 and 2 of my request, specifically:

1) any assessment of NRC's compliance with 5 U.S.C. 2302(c) by which its head is required to "prevent prohibited personnel practices (PPP's)." Prohibited Personnel Practices are agency violations of the "merit principles" of the federal civil service - the bedrock of the civil service - detailed at 5 U.S.C. 2301. The various types of PPP's are detailed at 5 U.S.C. 2302. This section law states (emphasis added):

(c) The head of each agency shall be responsible for the **prevention of prohibited personnel practices**, for the compliance with and enforcement of applicable civil service laws, rules, and regulations, and other aspects of personnel management, and for ensuring (in consultation with the Office of Special Counsel) that agency employees are informed of the rights and remedies available to them under this chapter and chapter 12 of this title. Any individual to whom the head of an agency delegates authority for personnel management, or for any aspect thereof, shall be similarly responsible within the limits of the delegation.

I desire records that assess NRC's objective compliance with this duty. Objective compliance means assessment/verification that NRC employees are adequately protected from PPP's. I suspect your agency has no records demonstrating its current (or former) head's compliance with this nondiscretionary statutory duty - one of their most vital duties to NRC employees.

2) records of any first-level delegation of this responsibility (i.e. to "prevent PPP's) within NRC.

According to NRC's April 14 response, it has "no records" demonstrating compliance with one of the Chairman's most vital duties to NRC employees - to ensure they can do their duties

competently and ethically, per the merit system principles while being adequately protected from reprisal and other types of PPP's.

Respectfully,

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